

## Message Text

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ORIGIN L-03

INFO OCT-01 NEA-10 IO-13 ADP-00 SSO-00 NSCE-00 USIE-00

INRE-00 CIAE-00 DODE-00 PM-07 H-03 INR-10 NSAE-00

NSC-10 PA-03 RSC-01 PRS-01 SS-15 EB-11 AID-20 AF-10

ARA-16 EA-11 EUR-25 /170 R

DRAFTED BY L/UNA:SCNELSON:JNP

7/19/73 EXT. 21320

APPROVED BY IO -R. MOREY

IO/SEC - MR. HENNES

NEA - ALATHERTON (SUBS.)

IO/UNP - MR. STULL

IO/CMD - MR. YODER

IO-DHPOPPER (DRAFT)

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FM SECSTATE WASHDC

TO USMISSION GENEVA IMMEDIATE

INFO AMEMBASSY BEIRUT IMMEDIATE

AMEMBASSY TEL AVIV

USMISSION USUN NEW YORK

C O N F I D E N T I A L STATE 142217

E.O. 11652: GDS

TAGS: UN, ECOSOC

SUBJECT: 55TH ECOSOC WEST ASIAN COMMISSION

REF: GENEVA 3738

1. DEPARTMENT HAS CONCLUDED THAT USEFUL TACTIC FOR OBTAIN-  
ING POSTPONEMENT OF WEST ASIAN COMMISSION ISSUE IS TO PRESS  
FOR ECOSOC REQUEST TO ICJ FOR ADVISORY OPINION ON LEGALITY  
OF LEBANESE PROPOSAL. WE HAVE DECIDED ON THIS APPROACH FOR  
THE FOLLOWING REASONS:

(A) IT MAY ENABLE US TO OBTAIN DEFERRAL OF SUBSTANTIVE  
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ACTION ON PROPOSAL AT 55TH ECOSOC PENDING CONSIDERATION BY

THE COURT.

(B) IT WILL PUT SPECIFIC POLITICAL ISSUE MORE CLEARLY INTO CONTEXT OF LEGAL PRINCIPLE ABOUT WHICH WE (AND OTHERS) ARE DEEPLY CONCERNED.

(C) IF EFFORT TO OBTAIN ECOSOC REQUEST FOR OPINION IS UNSUCCESSFUL, OUR POSITION ON MERITS MAY BE STRENGTHENED SINCE SOME GOVERNMENTS MAY FIND IT EASIER TO OPPOSE PROPOSAL OR TO AGREE TO POSTPONEMENT ONCE LEGAL QUESTION IS RAISED AND NOT RESOLVED.

(D) FAILURE OF ECOSOC TO REQUEST OPINION WILL CAST CLOUD ON PRECEDENTIAL VALUE OF ANY AFFIRMATIVE ACTION ON LEBANESE PROPOSAL BY MAKING IT CLEAR THAT SUBSTANTIAL LEGAL QUESTIONS LEFT UNANSWERED.

2. ACCORDINGLY, DELEGATION IS REQUESTED TO DEVELOP DRAFT ECOSOC RESOLUTION ALONG FOLLOWING LINES:

(A) NOTE THAT ARTICLE 96(2) OF UN CHARTER EMPOWERS UN ORGANS SO AUTHORIZED BY THE GENERAL ASSEMBLY TO REQUEST ADVISORY OPINIONS OF COURT ON LEGAL QUESTIONS ARISING WITHIN THE SCOPE OF THEIR ACTIVITIES.

(B) NOTE ALSO THAT UNGA RESOLUTION 89(I) AUTHORIZED ECOSOC TO REQUEST OPINIONS OF THE COURT ON LEGAL QUESTIONS ARISING WITHIN THE SCOPE OF ITS ACTIVITIES.

(C) REQUEST THE COURT TO RENDER AN ADVISORY OPINION ON THE FOLLOWING ISSUE: QUOTE WOULD THE ESTABLISHMENT BY ECOSOC OF AN ECONOMIC COMMISSION FOR WESTERN ASIA, WITH MEMBERSHIP DETERMINED IN ACCORDANCE WITH THE DRAFT RESOLUTION CONTAINED IN ECOSOC DOCUMENT E/L.1497/REV. 2, BE CONSISTENT WITH THE PROVISIONS OF THE UNITED NATIONS CHARTER, IN PARTICULAR ARTICLE 2, PARA 1 THEREOF, AND WITH THE PRACTICE OF THE ORGANIZATION UNDER THE RELEVANT ARTICLES? UNQUOTE

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3. DELEGATION'S OBJECTIVE SHOULD, OF COURSE, BE TO SECURE BROADEST POSSIBLE SUPPORT FOR THIS APPROACH. WE SUGGEST THAT DELEGATION MAY WISH MAKE EFFORT TO SECURE SUPPORT AND POSSIBLE CO-SPONSORSHIP OF OTHERS, INCLUDING SOVIETS, FOR THIS STEP.

4. DELEGATION SHOULD MAKE CLEAR THAT IF ECOSOC DOES NOT

ITSELF REFER ISSUE TO ICJ, U.S. RESERVES RIGHT TO REVERT  
TO MATTER AT 28TH UNGA.  
5. COMMENTS ON REFTTEL FOLLOW. RUSH

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**Status:** NATIVE  
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**TAGS:** OCON, PFOR, UN, ECOSOC  
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